

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2191****Date:** March 3, 2005**Applicant:** Jeff Nordling, on behalf of Richard Jacques**Address of Property:** 3007 Fillmore Street Northeast**Date Application Deemed Complete:** February 7, 2005**End of 60 Day Decision Period:** April 8, 2005**Appeal Period Expiration:** March 14, 2005**Contact Person and Phone:** Jeff Nordling, 763-238-2680**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward: 1 Neighborhood Organization:** Audubon Park**Existing Zoning:** R1 District, Single-family District**Proposed Use:** Construction of a second story addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the required front yard setback along Fillmore Street Northeast from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 19 ft. to allow for the construction of a second story addition to an existing single family dwelling.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject site is an interior lot with dimensions of 40 ft. x 125 ft. (5,000 sq. ft.) and consists of a 1 ½ story, single-family dwelling built in approximately 1917. The applicant has proposed to renovate the existing dwelling into a full two story, single-family dwelling. The existing structure, which includes an enclosed front porch, is currently 19 ft. from the front property line. The dwelling adjacent to the south is setback 40 ft from the front property line. The property to the north is 20 ft. from the front property line and is located more than 40 ft. from the shared side property line. The addition includes a second story and open porch that encroaches on the required front yard setback.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures to allow for the construction of a second story addition. Strict adherence to the regulations requires the addition to be constructed behind the established front yard setback and would not allow for the proposed addition to the existing single-family dwelling, which is a reasonable use of the property. Without the requested variance, the zoning code would prevent the applicant from constructing a second story addition.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The condition upon which the setback variance is requested is unique to the parcel of property due to the location of the applicant's home and the setback created by the adjacent single family dwellings. The R1A District requires a 20 ft. setback or an established setback created by the adjacent residential structures. The proposed 8 ft. deep, second story, open front porch of the proposed addition is 19 ft. from the front property line, the same distance as the existing dwelling. The dwelling to the south is setback 40 ft. and the dwelling to the north is setback 20 ft. The placement on the lot of the existing structure and the locations of the adjacent residence and resulting established setback is not a circumstance created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the addition will be consistent with many other two story homes in the area. The dwelling to the south is at a lower elevation, approximately 5 feet, from the subject site. The current dwelling impacts the sight lines of the dwelling to the south, therefore staff believes the second story addition will not likely impact the dwelling to the south more than the current structure. The windows on the first story will be retained and the applicant states that the exterior materials (vinyl) of the second story will closely match the existing lap siding. If the materials match the existing dwelling, staff believes that the proposed addition will be keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front yard setback (East Minnehaha Parkway): Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing dwelling be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** a variance to reduce the required front yard setback along Fillmore Street Northeast from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 19 ft. to allow for the construction of a second story addition that includes a second story porch to an existing single family dwelling on property located at 3007 Fillmore Street Northeast in the R1A District.

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.
2. That the first story front windows be retained.
3. That the proposed exterior materials closely match the existing lap siding.